SÖNNING et al   **Atty Dkt:** 2789-26
Serial No. 09/667,528   **Art Unit:** 2631

REMARKS/ARGUMENTS

Claims 1, 4, 6-7, 11-12, 13, 15, 17-19, 25, 28 and 30-34 stand rejected under 35 USC 102(b) as being anticipated by U.S. Publication 2002/0053049 to Shiomoto et al. Claims 2-3, 5, 8, 14, 16, 20-22, 26-27 and 29 stand rejected under 35 USC 103(a) as being unpatentable over Publication 2002/0053049 to Shiomoto et al in view of U.S. Patent 6,507,629 to Hatakeyama et al. All prior art rejections are respectfully traversed for at least the following reasons.

All pending independent claims require an interleaver or interleaving method which *reduces* the number of bits. For example, independent claim 1 includes a:

> control information/code symbol encoding means for encoding said
> L+N bit control information/code symbol data words into data words of K
> bits, where K<L+N, according to a predetermined encoding scheme...

Thus, according to Applicants' independent claims, the number of bits to be transmitted becomes SMALLER.

Page 3, first paragraph, of the office action alleges that U.S. Publication 2002/0053049 to Shiomoto et al. teaches the use of an outer coding section 36 (referring to Figs 7 and 8; element 36; and paragraph [0044]) which allegedly codes to a smaller number of bits. The office action is utterly mistaken: Shiomoto does not code to a smaller number of bits. Rather, paragraph [0044] of U.S. Publication 2002/0053049 to Shiomoto et al. clearly reads (in part) as follows:

> "...encoding section 36 <u>ADDS</u> paritites...to the reserve regions.." (emphasis added)

- 2 -

1052209

SÖNNING et al   **Atty Dkt: 2789-26**
Serial No. 09/667,528   **Art Unit: 2631**

"....thereby forming a data array in which parities...are <u>ADDED</u> to the payloads.." (emphasis added)

So "parities" are definitely <u>ADDED</u> in U.S. Publication 2002/0053049 to Shiomoto et al., causing an increase of bits rather than a decrease. Furthermore, paragraph [0044] mentions that the error correction capabilities of the parities are controlled on the basis of priority information. However, in both cases of high priority and low priority payload information, the length of the ADDED parity is changed. So in all cases the number of bytes INCREASE and there is NO DISCLOSURE OF A CODING TO A SMALLER NUMBER OF BITS. Thus, the allegation that U.S. Publication 2002/0053049 to Shiomoto et al. encodes to a smaller number of bits is an incorrect speculation which is definitely not disclosed.

In view of the foregoing, all prior art rejections should be withdrawn, and all pending claims are deemed allowable.

Should such become necessary in the future, Applicants reserve the right by way of response or in appeal to argue further grounds of patentable distinction, both with respect to independent claims and dependent claims, and to overcome the filing date of the 102(e) reference of U.S. Publication 2002/0053049 to Shiomoto et al.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

-3-

PAGE 4/5 * RCVD AT 3/14/2006 2:30:23 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-3/3 * DNIS:2738300 * CSID:703 816 4100 * DURATION (mm-ss):01-34

1052209

SÖNNING et al
Serial No. 09/667,528

Atty Dkt: 2789-26
Art Unit: 2631

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____

H. Warren Burnam, Jr.
Reg. No. 29,366

HWB:lsh
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

- 4 -

1052209